



## **JUDICIAL RETIREMENT SYSTEM OF NEVADA**

### **PRE RETIREMENT GUIDE**

*This document has been prepared for members of the Judicial Retirement System of Nevada to provide general information.*

It is based on retirement law effective from the 72<sup>nd</sup> session of the Nevada Legislature, 2003. This is not a legal document, nor is it intended to serve as a basis for legal interpretation. Official legal reference may be found in the Nevada Revised Statutes

## **INTRODUCTION**

As the time for your retirement approaches, we suggest some steps for you to consider in your pre retirement planning. This is by no means all inclusive but will provide you with the information necessary to make an appropriate decision and assure the accurate and timely receipt of your benefit from the Judicial Retirement System (*JRS*) of Nevada. At the end of this booklet are checklists to help ensure that you take all the steps necessary in planning and processing your retirement.

## **HOW TO BEGIN PROCESSING YOUR RETIREMENT**

It is best to notify the *JRS* in writing about six months prior to your intended retirement date. You should request a retirement estimate and documents to be completed to initiate your benefit. The estimate we provide will only give approximate figures of your retirement allowance but they will be within a reasonable range. The estimate will project your service time through your anticipated date of retirement. It will show allowances under each of the retirement options if applicable, if we have the name and birth date of your beneficiary.

## **COUNSELING**

Staff is normally available for counseling weekdays at the retirement system offices in Carson City and Las Vegas. We also periodically visit other communities throughout the state. To discuss any aspect of your retirement in person, please schedule an appointment in either of our offices or for our next visit to your area.

## **RETIREMENT ELIGIBILITY**

You are eligible to receive an unreduced retirement benefit with five years of service at age 65 with 10 or more years of service at age 60, or with 30 years of service at any age. If you earn the years of creditable service necessary to retire but have not reached the required age, you may retire with a benefit actuarially reduced by four percent of the unmodified benefit for each full year you are under the appropriate retirement age and an additional .33 percent for each additional month.

If you are eligible and elect to receive benefits under the old judicial retirement plan at NRS 2.060 to 2.083 and NRS 3.090 to 3.099, eligibility to receive an unreduced retirement allowance is established with five years of service at age 60. In the event you earn the years of service necessary to retire but have not attained age 60, you may retire with a benefit actuarially reduced by four percent for each year you are under age 60, and an additional .33 percent for each additional month.

## **EFFECTIVE DATE OF RETIREMENT**

Your retirement is effective the day after your service is terminated or the day your application reaches the Retirement System office, whichever is later. A third possible effective date is a future date you select, such as your 60<sup>th</sup> birthday, or sometime after your last day of service. If your decision to retire is made close to the actual date, be sure to allow for mailing time (see the section on pitfalls).

## **IMPORTANT FACTORS IN DETERMINING YOUR BENEFIT AMOUNT**

There are three basic factors involved in the calculation of your retirement benefit. These are service credit, average compensation, and selection of a retirement option.

### ***Service Credit***

The Retirement System keeps an ongoing record of your service based on information supplied by your employer. Service begins on the day your term of office begins and terminates on the day your term of office expires, unless sooner terminated by death, resignation, or removal from office.

**Purchase of Service:** If you have five years of credit in *JRS*, you may purchase up to five years of additional service at any time prior to retirement. The purchase price is calculated using the percentage factor based on your age and your current average compensation. Purchase of service may also be accomplished using certain types of retirement savings accounts such as 401 (a), 401 (k) qualified pension trusts, 403 (b), and 457 retirement savings plans and IRAs. Purchases must be completed within 30 days of retirement. Purchase of service is not available under the old judicial plan at NRS 2.060 to NRS 2.083 and NRS 3.090 to 3.099.

### ***Average Compensation***

Your average compensation is based on the 36 highest consecutive months of compensation as reported by your employer.

Please note that in calculating an estimate, the 36-month period used to determine your average compensation will usually be the period ending with the last payroll reports received from your public employer and will not project your current salary through your anticipated retirement date.

If you are eligible and elect to receive benefits from the old judicial retirement plan, your benefit is based on your last year's salary.

### ***Retirement Options***

The Unmodified Retirement Allowance (**Option 1**) is the maximum allowance you can receive. Upon your death, however, the unmodified plan provides no monthly allowance for a beneficiary.

Since many people wish to give a monthly allowance to their beneficiary after their death, there are six additional options. Each offers a benefit somewhat lower than the Unmodified Allowance, but does afford a monthly benefit for your beneficiary after your death.

You may name anyone you wish as your beneficiary. However, your spouse must consent to the plan selection and beneficiary designation. This is necessary because Nevada is a community property state, and the courts have determined that a retirement benefit is a substantial community asset.

There are many factors to consider in selecting an option. Some are:

- The amount and source of income from other retirement programs
- Employment which is or may be available to your beneficiary
- The amount and types of debts your beneficiary may be responsible for discharging after your death
- The type and amount of insurance, such as mortgage insurance and/or life insurance available to your beneficiary

The other retirement options are:

**Option 2:** An actuarially reduced allowance for the lifetime of the retired employee. After the retired employee's death, the same allowance continues for the lifetime of the beneficiary.

**Option 3:** An actuarially reduced allowance for the lifetime of the retired employee. After the retired employee's death, 50 percent of the allowance continues for the lifetime of the beneficiary.

**Option 4:** An actuarially reduced allowance for the lifetime of the retired employee. After the retired employee's death, and beginning when the beneficiary reaches age 60, the same allowance continues for the lifetime of the beneficiary.

**Option 5:** An actuarially reduced allowance for the lifetime of the retired employee. After the retired employee's death, and beginning when the beneficiary reaches age 60, 50 percent of the allowance continues for the lifetime of the beneficiary.

**Option 6:** An actuarially reduced allowance for the lifetime of the retired employee. After the retired employee's death, a specific sum per month, as selected by the retired employee, will continue for the lifetime of the beneficiary. This amount may not exceed the monthly allowance paid to the retired employee.

**Option 7:** An actuarially reduced allowance for the lifetime of the retired employee. After the retired employee's death, and beginning when the beneficiary reaches age 60, a specific sum per month, as selected by the retired employee, will continue for the lifetime of the beneficiary. This amount may not exceed the monthly allowance paid to the retired employee.

Since Options 6 and 7 are based on an amount which you specify, we do not normally provide an estimate for these options. If you wish to provide for a set amount to go to your beneficiary, contact PERS and indicate the amount. We will be happy to provide an estimate for these two options.

The reduction in Retirement Options 2 through 7 from the Unmodified Allowance is based on the age and life expectancy of the retired employee and beneficiary. On the following page is an example of benefits which would be available under the optional plans.

If you are eligible and elect to receive a benefit from the old judicial retirement plan, the retirement options referenced above are not available. Upon your death, your surviving spouse is entitled to \$450 per month if under age 60 and \$2,500 per month beginning at age 60 or if already age 60 or older.

Example:

| <b>Benefit Calculation Formula for Unreduced Service Retirement Benefit</b>   |  |   |
|---|--|---|
| <i>Let us assume that you retire at age 60 with 20 years of service and an average monthly compensation of \$8,000. Your beneficiary is age 58.</i>   |  |   |
|   | Average compensation = \$8,000         |   |
|   | Service = 20 years x 3.4091%* = 68.18% |   |
|   | Monthly<br>Benefit You Will<br>Receive | Monthly Amount<br>Beneficiary Will<br>Receive After<br>Your Death |
| <b>Unmodified</b>   | \$5,454.40                             | \$ -0-  |
| <b>Option 2</b>   | \$4,641.69                             | \$4,641.69**  |
| <b>Option 3</b>   | \$5,012.59                             | \$2,506.30**  |
| <i>The additional options can be calculated upon request.</i>   |  |   |
| <b>*Remember, past PERS service transferred to the JRS is not credited at 3.4091%.</b>  |  |   |
| <b>**The reduced amounts under options 2 and 3 are based on your age and your beneficiary's age at the time of retirement.</b>  |  |   |
| <i>If you are eligible and elect to receive a benefit from the old judicial retirement plan, the retirement options referenced above are not available. Upon your death your surviving spouse is entitled to \$450 per month if under age 60 and \$2,500 per month beginning at age 60 or if already age 60 or older.</i> |  |   |
| <i>Note: Federal Regulation prohibits paying a benefit to someone other than the spouse who is more than 10 years younger than the member under Option 2 and 4.</i>   |  |   |

## RETIREMENT APPLICATION PROCESS

### *Application*

Prior to your date of retirement, you must file an application for retirement with the JRS. Your application cannot be officially filed with your public employer. Retirement becomes effective the day after your last day of service, the date the completed application is filed with the System, or the effective date indicated on the application, whichever is later.

You must select a retirement plan by signing in the appropriate space on the form in the presence of a notary public. Your spouse must also sign the form, acknowledging the selection of the retirement plan and beneficiary designation. In addition, your spouse's signature must be notarized.

Should your beneficiary under one of the Options 2 through 7 predecease you, your allowance will be changed to the Unmodified Option at the beginning of the next month upon receipt of a certified copy of your beneficiary's death certificate.

If, for any other reason, you wish to change to the Unmodified Option, you may do so with the concurrence of your spouse; **however, the change is not retroactive.** It is effective the first of the month following the day the form indicating the change is received in our office or the date indicated on the form, whichever is later. You cannot change from the Unmodified Option to any other plan after you have retired. **Since it is an irreversible decision to select the Unmodified Option, give it careful consideration.**

Within a week after you have submitted your retirement application, JRS will send you an acknowledgment of the date the application was received, the effective date of your retirement, and the option you have selected. We will also advise you of any documentation we may need.

If you are eligible and elect to receive a benefit from the old judicial retirement plan, the retirement options mentioned above are not available. Upon your death your surviving spouse is entitled to \$450 per month if under age 60 and \$2,500 per month beginning at age 60 or if already age 60 or older.

### ***Documentation for Proving Birth Date and Name Changes (Member and Beneficiary)***

Retirement allowances are based on the ages of the member and member's beneficiary, if applicable. Therefore, when you retire, we need documents showing your birth date, your beneficiary's birth date, and any name changes for both from name at birth to name at the present time.

If you have difficulty meeting this requirement prior to retirement, please contact us. We will be happy to work with you to satisfy this requirement.

#### **Any one of the following may be used to establish birth date:**

- *Birth certificate*
- *Infant baptism certificate*
- *Delayed certificate of birth*

#### **Any two of the following may be used to establish birth date:**

- *School age record*
- *Military service records*
- *Marriage record if birth date is shown*
- *Naturalization certificate if member's age is shown*
- *Transcript of record from U.S. Bureau of Census*
- *Family record in the family Bible*
- *Passport*
- *Notarized statement of knowledge of birth date*
- *Motor vehicle records*
- *Social Security records*
- *Voter registration records*
- *Any document over 10 years old if birth date is shown*

#### **The following may be used to document name changes for a member and/or beneficiary:**

- *Marriage certificates*
- *Adoption papers*
- *Divorce papers*  
*if prior name is shown*
- *Driver's license records*  
*if prior name is shown*
- *Child's birth certificate*  
*if mother's maiden name is shown*

### ***Deductions***

You may elect to have deductions made from your retirement allowance for continuation of the group health insurance previously carried with your public employer, retired employee association membership dues, and federal income taxes.

As an alternative to your employers' insurance program, within 30 days after your retirement date, you will have the option to enroll in the insurance program for state employees. Please refer to the form provided in your retirement packet to obtain information about this program.

JRS is now required to withhold federal income tax from your retirement allowance unless you instruct us in writing not to withhold monies for this purpose. If you elect to have federal income tax withheld, the System can calculate the tax based on marital status and the number of specified exemptions. We do not have the expertise on staff to advise you on tax matters. We suggest you seek the advice of a tax consultant if you have questions.

## **PAYMENT OF RETIREMENT BENEFITS**

### ***Date of Payment***

Your benefit will be mailed or electronically deposited to your bank account four working days prior to the end of each month. If your effective date of retirement is on or before the 15<sup>th</sup> of the month, you will receive a benefit check that month. If it is after the 15<sup>th</sup> you will receive a benefit check the next month, which will include payment for the last days of the previous month.

### ***Time Schedule for Completion of Retirement Processing***

It normally takes four to six weeks for final payroll information to be submitted by your public employer and then processed and posted to the System's computer, so the initial calculation of your allowance and payment will be a preliminary amount.

After the final payroll information has been posted, a final calculation will be made. Any adjustment will be reflected in your next benefit check.

Within approximately six months of your effective date of retirement, a complete audit of your file, including all calculations, will be conducted by a staff member who has had no prior involvement with your account. We adhere to this procedure to avoid any possibility of compounding errors or overlooking any other factor relevant to your retirement. If there are any errors or additional salary postings, a recalculation of any adjustment to your benefit will be made. You will be fully informed if such an adjustment is necessary.

Although we take every safeguard against its occurrence, occasionally an overpayment of benefit is made. JRS is bound by law to recover overpayments. If this does happen, you will be contacted and provided a full explanation of the situation and of the rights and alternatives available to you.

### ***Method of Payment***

The JRS offers and suggests direct deposit of your monthly benefit to your financial institution. Through this service, your allowance will be available to you four working days before the end of each month. Forms to initiate this type of payment are available upon request and on our website.

We can also mail your benefit check to your home four working days before the end of each month. We automatically mail your check to your home address unless you authorize us to set up a direct deposit.

### ***Change of Address***

It is important that we know where you are, whether your benefit is mailed to your home or electronically deposited to your bank account. From time to time, we mail items of importance and must be able to reach you. If you are writing to change your mailing address for correspondence only, be sure to tell us to continue your direct deposit to the bank. You should also notify your former public employer of any change of address if you are enrolled in their group insurance program. To help us serve you better, please include your Social Security number on all correspondence to JRS.

## **RE-EMPLOYMENT AFTER RETIREMENT**

If you accept employment as a District Court Judge or Justice of the Supreme Court in any judicial capacity to include employment as a senior justice or senior judge, you are disqualified from receiving any allowances under the Judicial Retirement System for the duration of that service. The JRS may waive, for one period of 30 days or less, your disqualification of benefits if you are recalled to work to meet an emergency and no other qualified persons are available.

Special reemployment rules apply to *JRS* members who are eligible and elect to receive retirement benefits from the old judicial retirement plan. Please contact a *JRS* representative about reemployment laws for judges and justices retired under the old judicial retirement plan.

If you accept employment in a judicial capacity as described above, you may choose to reenroll as a contributing member of *JRS*. If you do this and work less than five years, you will earn a separate retirement allowance for this period of employment. When you retire, you must complete a form to resume your retirement. Your benefit earned as a result of the new employment will be added to your previous benefit.

If you reenroll and your employment continues for five years or more, you may select a different option and beneficiary for the new benefit only or your benefit could be recalculated as if you had not previously retired. That is, your additional credit for your current service would be added to your previous credit for service. You may select any option or designate any beneficiary for the combined benefit unless the initial benefit was prohibited by the provisions of a Qualified Domestic Relations Order which complies with NRS 286.6703. This option is available only during one period of employment after the original retirement. If you elect to do this, your benefit will be calculated as if you had not previously retired but had a break in service.

Retired employees who are reemployed by a Nevada public employer in a position for which there is a critical labor shortage are exempt from any reemployment restrictions if you are receiving a benefit that is not reduced for early retirement or if at the time of reemployment you have reached the required age to receive an unreduced benefit. This applies only to positions that have been approved by the governing authority of the public employer as "critical labor shortage" positions and which must be recertified every two years as a critical labor shortage.

We cannot emphasize too strongly that employment after retirement can have serious effects on your retirement allowance. You would be well advised to contact a JRS representative prior to entering any employment or an independent contract with a public employer after retirement to discuss the conditions of that employment or contract to avoid any future problems.

## **SOME PITFALLS AND HOW TO AVOID THEM**

As we have stated before, your effective date of retirement is the day after your last day of service, the day your application is received in the *JRS* office, or the date requested on the application, whichever is later. Be sure to allow sufficient time for your application to reach us. You must take the initiative. No one will automatically do it for you, and no one, including your public employer, can file your retirement paperwork. It must be completed by you.

You will receive a 1099-R form from the System by January 31<sup>st</sup>, of each year indicating how much of your retirement allowance is taxable, in compliance with federal regulations. Plan ahead for the IRS and avoid getting caught owing a large amount. We will be happy to make income tax deductions for you as described in the section on "Deductions."

## **OTHER THINGS TO CONSIDER**

Retirement is one of the most significant steps you will take in your life, and many decisions must be made. We at *JRS* are here to help in any way we can.

We endeavor to provide you with the foundation to make your transition as smooth as possible from the standpoint of your *JRS* benefit. Beyond this, there are many personal factors to consider, which only you can handle. The key is advance planning. To assist you, we are providing two checklists at the end of this booklet.

### ***Your PERS benefit and Social Security***

Your PERS benefit will not be affected by a Social Security Benefit. However, a Social Security benefit may be affected because you receive a PERS pension. The Government Pension Offset (GPO) and the Windfall Elimination Provision (WEP) are the two Federal Government regulations that may reduce your Social Security benefit. We suggest you contact the Social Security Administration at 800-772-1213 or visit their website at [www.ssa.gov](http://www.ssa.gov) for more information.

## **WHAT TO EXPECT AFTER RETIREMENT**

### ***Restrictions***

Reemployment with a public employer in Nevada is restricted. Please refer to the Reemployment section in this booklet. If you are in doubt, check with *JRS* staff before entering into any type of employment with a Nevada public employer.

### ***Post-Retirement Increases***

As a general rule, once you have been retired for three full years you are entitled to a post-retirement increase of 2% in each of the fourth, fifth and sixth years; 3% in the seventh, eighth and ninth years; 3.5% in the tenth, eleventh and twelfth years; 4% in the thirteenth and fourteenth years; and 5% each year thereafter. Post-retirement increases are due in the month following the month in which you retired. For example, if your retirement effective date is January 1, your post-retirement increase would be effective February 1, and paid with your February benefit at the end of February.

Occasionally, post-retirement increases are lower than the percentages listed above. This is because they are capped by the Consumer Price Index (All Items) average for the three preceding years. This limitation does not apply, however, if the purchasing power of your benefit has not kept pace with inflation during the period since your retirement.



**Checklist for Assistance in  
Pre Retirement Planning**

1. My effective date of retirement is: \_\_\_\_\_
2. The retirement option I have selected is: \_\_\_\_\_
3. Estimate of my *JRS* retirement allowance:  
\_\_\_\_\_ Date received: \_\_\_\_\_
4. Purchase of service credit: \_\_\_\_\_  
Date completed: \_\_\_\_\_
5. File retirement application: \_\_\_\_\_  
Date sent: \_\_\_\_\_
6. Proof-of-birth-date and name-change  
documentation: \_\_\_\_\_ Date sent: \_\_\_\_\_
7. Acknowledgment of application: \_\_\_\_\_  
Date received: \_\_\_\_\_
8. My first check will be mailed on: \_\_\_\_\_
9. The nontaxable portion of my retirement  
allowance is: \_\_\_\_\_
10. My will was drawn and is located in a safe  
place at: \_\_\_\_\_
11. My retirement years will be spent at:  
\_\_\_\_\_
12. My attorney was apprised of and is prepared  
to handle any legal problems that may  
occur: \_\_\_\_\_
13. I have considered my health and that of my  
beneficiary: \_\_\_\_\_

**Checklist for  
Pre Retirement Financial Planning**

| <u><b>Income</b></u>       | <u><b>Monthly</b></u><br>(x 12 months =) | <u><b>Annual</b></u><br><u><b>Total</b></u> |
|----------------------------|--|---|
| ___ PERS benefit           | \$ _____                                 | \$ _____                                    |
| ___ Social Security        | \$ _____                                 | \$ _____                                    |
| ___ Other retirement       | \$ _____                                 | \$ _____                                    |
| SUBTOTAL                   | \$ _____                                 | \$ _____                                    |
| ___ Part-time job          | \$ _____                                 | \$ _____                                    |
| <u><b>Investments:</b></u> |  |   |
| ___ Stock dividends        | \$ _____                                 | \$ _____                                    |
| ___ Interest income        | \$ _____                                 | \$ _____                                    |
| ___ Rentals                | \$ _____                                 | \$ _____                                    |
| ___ Others                 | \$ _____                                 | \$ _____                                    |
| SUBTOTAL                   | \$ _____                                 | \$ _____                                    |
| TOTAL INCOME               | \$ _____                                 | \$ _____                                    |

| <u><b>Expenses</b></u>                                   | <u><b>Monthly</b></u><br>(x 12 months =) | <u><b>Annual</b></u><br><u><b>Total</b></u> |
|--|--|---|
| ___ Food   | \$ _____                                 | \$ _____                                    |
| <u><b>Lodging:</b></u>                                   |  |   |
| ___ Rent   | \$ _____                                 | \$ _____                                    |
| ___ House payment  | \$ _____                                 | \$ _____                                    |
| ___ Home insurance<br>(if not included in house payment) | \$ _____                                 | \$ _____                                    |
| ___ Property taxes<br>(if not included in house payment) | \$ _____                                 | \$ _____                                    |
| ___ Utilities  | \$ _____                                 | \$ _____                                    |
| ___ Clothing   | \$ _____                                 | \$ _____                                    |
| ___ Auto/Transport                                       | \$ _____                                 | \$ _____                                    |
| <u><b>Medical Insurance:</b></u>                         |  |   |
| ___ Group insurance                                      | \$ _____                                 | \$ _____                                    |
| ___ Medicare   | \$ _____                                 | \$ _____                                    |
| ___ Other  | \$ _____                                 | \$ _____                                    |
| SUBTOTAL   | \$ _____                                 | \$ _____                                    |
| ___ Entertainment  | \$ _____                                 | \$ _____                                    |
| SUBTOTAL   | \$ _____                                 | \$ _____                                    |
| ___ Income Tax   | \$ _____                                 | \$ _____                                    |
| <u><b>Other:</b></u>                                     | \$ _____                                 | \$ _____                                    |
| SUBTOTAL   | \$ _____                                 | \$ _____                                    |
| TOTAL EXPENSES   | \$ _____                                 | \$ _____                                    |

## **Counseling Services**

*In Carson City:* Weekdays at the PERS building located at 693 W. Nye Lane, from 8:00a.m. to 5:00 p.m. If possible, please call ahead for an appointment.

*In Las Vegas:* Weekdays at our office at 5820 South Eastern, Suite 220, from 8:00 a.m. to 5:00 p.m. Due to a high demand for counselors in this office, it is advisable to schedule an appointment.

*In rural Nevada:* Counselors are available during the Spring and Fall. Please watch for our notices and call our Carson City office for an appointment.

For further information, contact your agency's retirement liaison officer or the PERS office.

**Public Employees' Retirement System  
693 West Nye Lane  
Carson City, NV 89703**

For telephone inquiries, call:

- *from Las Vegas: (702) 486-3900*
- *from Carson City or Reno:  
(775) 687-4200*
- *from anywhere else in the USA:  
1-866-473-7768*

Website: [www.nvpers.org](http://www.nvpers.org)

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